

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

IRWIN JACOBOWITZ and
PEARL JACOBOWITZ

Plaintiff,

v.

ROGERS FREE LIBRARY, TOWN OF
BRISTOL, BRISTOL TOWN
TREASURER, and JOHN AND
JANE DOE,

Defendants.

C. A. No. 15-335-M-PAS

ORDER

After a series of discovery kerfuffles, this Court ordered the pro se Plaintiffs to participate fully in their depositions. The Court told them that the failure to fully cooperate and participate in their depositions would result in the Court dismissing their case with prejudice.

TEXT ORDER: Plaintiffs' 40 Motion to Reconsider is GRANTED. Defendants' Motion to Dismiss 39 is DENIED as follows: Plaintiffs shall fully cooperate in scheduling their depositions that are to be held within the next 20 days. Failure to cooperate in scheduling the dates of the depositions or failure to attend and fully participate in the depositions will result in this case being dismissed with prejudice - So Ordered by District Judge John J. McConnell, Jr. on 6/15/2017. (Barletta, Barbara) (Entered: 06/15/2017)

It is clear from a review of the transcripts of their depositions that both Plaintiffs failed to follow the Court's order. On numerous occasions, the Plaintiffs refused or failed to answer simple straightforward questions. The transcript

scores of instances, similar to the examples below, of the lack of cooperation and full participation by the Plaintiffs in their depositions. This is just a small example:

Mr. Jacobowitz deponent

Q. What is your highest level of education?

A. Still learning everyday . . .

Q. Did you graduate from high school?

A. Don't recall.

Mrs. Jacobowitz deponent

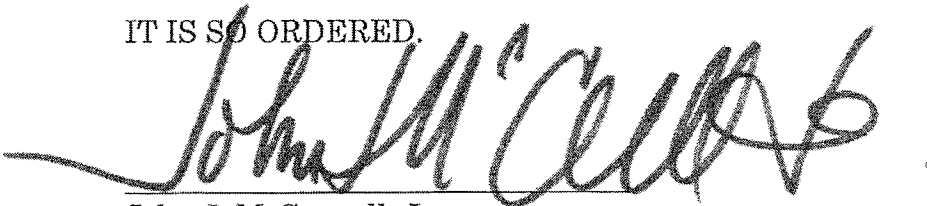
Q. What's your highest level of formal education?

A. Objection. Irrelevant.

The Plaintiffs failed to answer substantively most of the questions posed. Such disregard of the Court's order and of the rules of procedure is inexcusable, and after the Court warned them of the consequences, requires this Court to dismiss their complaint.

Therefore, pursuant to Federal Rules of Civil Procedure Rule 37(b)(2)(A)(v), the Court DISMISSES Plaintiffs' complaint with prejudice against all Defendants.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "John J. McConnell, Jr.", with a long horizontal flourish extending to the left.

John J. McConnell, Jr.
United States District Judge

August 28, 2017